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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re FINISAR CORP. DERIVATIVE
LITIGATION

No. C-06-07660 RMW
ORDER VACATING HEARING DATE

This Document Relates To:
ALL ACTIONS.

The motions to dismiss presently set for hearing on October 31, 2008 are hereby submitted on the papers without oral argument. *See* Civil L.R. 7-1(b). The hearing date of October 31, 2008 is vacated. If, upon consideration of the matter, the court deems that oral argument is necessary or would be helpful to the court, the matter will be reset for hearing no earlier than December 5, 2008.

DATED: 10/21/2008


RONALD M. WHYTE
United States District Judge

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13 **Dated:** 10/21/2008

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Chambers of Judge Whyte